

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FOREST LABORATORIES, INC.,
FOREST LABORATORIES HOLDINGS,
LTD., MERZ PHARMA GMBH & CO.
KGAA, and MERZ PHARMACEUTICALS
GMBH,

Plaintiffs,

vs.

COBALT LABORATORIES INC., LUPIN
PHARMACEUTICALS, INC., LUPIN LTD.,
ORCHID PHARMACEUTICALS INC.,
ORCHID CHEMICALS &
PHARMACEUTICALS LTD. (d/b/a ORCHID
HEALTHCARE), TEVA
PHARMACEUTICALS USA, INC.,
UPSHER-SMITH LABORATORIES, INC.,
WOCKHARDT USA INC., and
WOCKHARDT LIMITED,

Defendants.

Civil Action No. 08-21 (GMS) (LPS)

STIPULATED JURISDICTIONAL DISCOVERY SCHEDULE

Plaintiffs Forest Laboratories, Inc., Forest Laboratories Holdings, Inc., Merz Pharma GmbH & Co. KGaA, and Merz Pharmaceuticals GmbH (collectively "Plaintiffs") and Defendants Orchid Chemicals & Pharmaceuticals Ltd. ("Orchid India") and Orchid Pharmaceuticals Inc. ("Orchid Pharma") (collectively "Defendants") hereby stipulate as follows:

1. Plaintiffs may serve on Defendants a total of ten (10) interrogatories, limited to issues concerning jurisdictional discovery. Such interrogatories must be served on or before April 17, 2008, and Defendants' responses are due according to the Federal Rules of Civil Procedure. The parties further agree, pursuant to Fed. R. Civ. P. 26(b)(2) and 33(a)(1), that the interrogatories served by Plaintiffs in connection with jurisdictional discovery are separate and apart from the interrogatories on the merits to which Plaintiffs would be entitled during potential fact discovery in this case.

2. Plaintiffs may serve on Defendants a total of twenty-five (25) document requests, limited to issues concerning jurisdictional discovery. Such document requests must be served on or before April 17, 2008, and Defendants' responses are due according to the Federal Rules of Civil Procedure.

3. Plaintiffs may serve on Defendants a total of twenty (20) requests for admission, limited to issues concerning jurisdictional discovery. Such requests for admission must be served on or before April 17, 2008, and Defendants' responses are due according to the Federal Rules of Civil Procedure.

4. Plaintiffs may serve a deposition notice under Fed. R. Civ. P. 30(b)(6) on Orchid India. Such notice will include particular topics limited to jurisdictional discovery. In response to such notice, Defendants will designate a representative (or representatives) to testify on the listed topics. Such deposition notice will be served on or before April 24, 2008, and such

deposition(s) shall occur no later than June 6, 2008 at a mutually agreed-upon location within the contiguous United States.

5. Defendants may serve on Plaintiffs a total of five (5) interrogatories, limited to the issue of whether there has been any injury to Plaintiffs in Delaware pursuant to Delaware's long-arm jurisdictional statute (10 Del. C. § 3104). Such interrogatories must be served on or before April 17, 2008, and Plaintiffs' responses are due according to the Federal Rules of Civil Procedure.

6. Plaintiffs will produce to Defendants by May 16, 2008 any executed license agreements between Forest Laboratories, Inc. and Forest Laboratories Holdings, Inc., on one hand, and Merz Pharma GmbH & Co. KGaA and Merz Pharmaceuticals GmbH, on the other hand, regarding U.S. Patent No. 5,061,703.

Respectfully submitted,

Dated: April 14, 2008

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

POTTER ANDERSON & CORROON LLP

/s/ Jack B. Blumenfeld (#1014)

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SO ORDERED this _____ day of April, 2008.

The Honorable Leonard P. Stark
United States Magistrate Judge